THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT APPEAL No. 1403 OF 2005

04-08-2005

Between:

The Revenue Divisional Officer, Adoni, Kurnool District & another.

.....APPELLANTS/RESPONDENTS

AND

Smt.S.Maremma.

.....RESPONDENT/PETITIONER

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT APPEAL NO : 1403 of 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

The writ petition was filed by the respondent herein to issue a writ, order or direction declaring the action of respondents in not permitting the petitioner to lift the stocks, as illegal, malafide, arbitrary and against the principles of natural justice. She also sought a direction that the petitioner should be allowed to lift the stocks for her Fair Price Shop. The learned single Judge did not grant these prayers, as the writ petitioner had been suspended on the basis of various allegations levelled against her. But the learned single Judge found that the order of suspension was passed on 17.12.2004, but stocks had been stopped by 02.11.2004. He also found that there was no reason given as to why supply of stocks was stopped with effect from 02.11.2004.

The learned counsel for appellants submits that on an enquiry, a report had been submitted to Revenue Divisional Officer on 28.9.2004 and pending orders from the Revenue Divisional Officer, the supply was stopped as there were serious allegations against the writ petitioner and this had been stated clearly in para 3 of the counter affidavit.

After hearing the learned counsel for the parties, we dispose of this appeal with their consent, at this stage, modifying the order of the learned single Judge to the extent of payment of costs, because in our view, there was sufficient reason for stopping the supply to the writ petitioner pending orders from the Revenue Divisional Officer, as already a report after enquiry had been received by the respondents/appellants against the writ petitioner. The order is accordingly modified to the extent that no costs shall be paid by the appellants towards the writ petitioner.

Appeal is accordingly disposed of.

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(BILAL NAZKI, ACJ)

4th August 2005.

(K.C.BHANU, J)

ajr